

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 4

Tuesday, January 10, 2006

Fourth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 10, 2006 and is called to order at 4:10 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

PRESENT - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginatt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Smith, Story, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT –5: Representatives Church, Laroche, Menard, Slater, Sullivan.

INVOCATION

The Honorable Speaker presents Representative Landroche who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, January 5, 2006 is approved as printed.

ANNOUNCEMENTS

Representative Rene Menard will be unable to attend session today, January 10, 2006 due to an illness.

Representative Raymond Church was unable to attend session Wednesday and Thursday, January 4th and 5th due to illness. Representative Church will be unable to attend session today and tomorrow January 10th and 11th due to illness.

Representative Peter Wasyluk was unable to attend session Tuesday, January 3, through Thursday, January 5, 2006 due to a family illness.

Representative Thomas Slater will be unable to attend session Tuesday, January 10 and Wednesday, January 11, 2006. He is out of state.

As Speaker of the House, I hereby appoint Representative Helio Melo to the House Committee on Labor.

**REPORT OF COMMITTEE
COMMITTEE ON LABOR**

Representative Faria, for the Committee on Labor, reports back the following measure, with recommendation of passage:

House Bill No. 6718

BY Lima, Moura, Slater, Almeida, Diaz

ENTITLED, AN ACT RELATING TO LABOR -- MINIMUM WAGES (increase the minimum wage from \$6.75 to \$7.10 then effective 3/1/06/ to \$7.40) {LC432/1}

01/10/2006 Placed on House Calendar

NEW BUSINESS**House Bill No. 6731**

BY Gallison, Jackson, Rice, Almeida, Malik

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES (5000' from any LNG tank to nearest residential home, elderly housing complex, school, hospital, health care facility, business/1.5 mile from any LNG tanker as it traverses the states waters to nearest residential home, elderly housing complex, etc.) {LC218/1}

01/10/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6732

BY Moura, Palumbo, Faria, Rice, Lally

ENTITLED, AN ACT RELATING TO LABOR -- ARBITRATION (allow a labor arbitrator to consider the existence of past practice) {LC462/1}

01/10/2006 Introduced, referred to House Labor

House Bill No. 6733**BY** Gallison, Carter, Sullivan, Kilmartin, Lewiss**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND SPECIAL DAYS OF OBSERVANCE -- HOLIDAYS (allow employees of private employers to elect to take another day off during the same calendar year if the employer does not grant time off on Victory Day or pay employees at a rate of one and one-half (1+) times the normal rate of pay for that day) {LC214/1}

01/10/2006 Introduced, referred to House Corporations

House Bill No. 6734**BY** Gallison, Rice, Kilmartin, Lewiss, Lima**ENTITLED**, AN ACT RELATING TO SALES (require that retail establishments conducting limited time reduced price sales disclose the actual number of items available at the sale price and offer a "rain check," to anyone appearing at the time of the sale) {LC196/1}

01/10/2006 Introduced, referred to House Corporations

House Bill No. 6735**BY** Voccola, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (exempt the first \$20,000 of military retirement income from federal adjusted gross income) {LC343/1}

01/10/2006 Introduced, referred to House Finance

House Resolution No. 6736**BY** Voccola, Ucci**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$149,460 TO UNITED METHODIST ELDER CARE {LC342/1}

01/10/2006 Introduced, referred to House Finance

House Bill No. 6737**BY** Rice, Gallison, Jackson, Crowley**ENTITLED**, AN ACT RELATING TO RENAMING THE NEW SAKONNET BRIDGE, AQUIDNECK ISLAND {LC407/1}

01/10/2006 Introduced, referred to House Finance

House Bill No. 6738 (by request)**BY** Crowley, Jackson, Long, Rice, Amaral**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS (allow certain state and municipal retirees to be employed by the state or a municipality on a part-time basis without forfeiture of pension benefits provided the retiree earns less than \$15,000 annually) {LC48/1}

01/10/2006 Introduced, referred to House Finance

House Bill No. 6739**BY** Lima, Naughton, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND {LC496/1}

01/10/2006 Introduced, referred to House Finance

House Bill No. 6740**BY** Lewiss, Kennedy, McHugh**ENTITLED**, AN ACT RELATING TO TAXATION (town council of Westerly to increase the tax exemptions for veterans, the widows or widowers of veterans, service connected totally disabled veterans, veterans with specially adapted housing, gold star parents, prisoners of war, and the blind) {LC245/1}

01/10/2006 Introduced, referred to House Finance

House Bill No. 6741**BY** Voccola, Williams**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- COMPENSATION FOR THE WRONGLY CONVICTED (authorize a cause of action against the state for damages as a result of being wrongly convicted and imprisoned) {LC346/1}

01/10/2006 Introduced, referred to House Judiciary

House Bill No. 6742**BY** Carter, Gallison, Faria**ENTITLED**, AN ACT STATE AFFAIRS AND GOVERNMENT - LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (add the chief of investigations of the state fire marshal's office, and all members of investigative units within the state fire marshal's office to the definition of law enforcement officer) {LC382/1}

01/10/2006 Introduced, referred to House Judiciary

House Bill No. 6743**BY** Lewiss, Kennedy, McHugh, Handy**ENTITLED**, AN ACT HEALTH AND SAFETY (establish recycling programs for E-Waste) {LC212/1}

01/10/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6744**BY** Gemma, Costantino, Fox, Jacquard, Savage**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (hypoglycemia resulting in 3 procedure for addressing an incidence of unconsciousness or seizure in order to provide for the health and safety of any child who has been medically identified as having diabetes) {LC312/1}

01/10/2006 Introduced, referred to House H.E.W.

House Bill No. 6745**BY** McNamara, Malik, Rose, Dennigan, Lewiss**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING ACT (no assisted living residency contract or agreement require a security deposit in excess of one month's rent/security deposit received be held in an interest bearing account) {LC226/1}

01/10/2006 Introduced, referred to House H.E.W.

House Bill No. 6746**BY** McNamara, Malik, Rose, Dennigan, Lewiss**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- ENCOURAGING VOLUNTEER EFFORTS OF PHYSICIANS AND DENTISTS AT FREE HEALTH CLINICS (excluding such retired professionals from the state licensure fee applicable to licensed practicing physicians, nurse practitioners and dentists) {LC229/1}

01/10/2006 Introduced, referred to House H.E.W.

House Bill No. 6747**BY** Carter, Rose, Faria, Gallison, Loughlin**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (exempt the first \$20,000 of military retirement income from federal adjusted gross income) {LC434/1}

01/10/2006 Introduced, referred to House Veterans Affairs

House Bill No. 6748**BY** Carter, Slater, Gallison, Rose, Faria**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS {LC385/1}

01/10/2006 Introduced, referred to House Veterans Affairs

House Bill No. 6749**BY** Coderre E, Crowley, Kilmartin, Davey, Gallison**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION (boards relating to education) {LC333/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Bill No. 6750**BY** Coderre E, Crowley, Kilmartin, Davey, Gallison**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (related to financial functions) {LC329/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Bill No. 6751**BY** Coderre E, Crowley, Kilmartin, Davey, Gallison**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC331/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Bill No. 6752**BY** Coderre E, Crowley, Kilmartin, Davey, Naughton**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD (amend the composition) {LC335/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Bill No. 6753**BY** Coderre E, Crowley, Kilmartin, Davey, Naughton**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC334/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Bill No. 6754**BY** Coderre E, Crowley, Kilmartin, Davey, Gallison**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC332/1}

01/10/2006 Introduced, referred to House Separation of Powers

House Resolution No. 6755**BY** Moffitt**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF SELLING ALL OR ANY PORTION OF THE BIG RIVER MANAGEMENT AREA BACK TO THE PRIOR OWNERS OR THEIR HEIRS {LC524/1}

Representative Moffitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Moffitt seconded by Representative Amaral and by unanimous consent, on a voice vote.

House Resolution No. 6756**BY** Shanley, McHugh, Lally, Lewiss, Caprio D**ENTITLED**, HOUSE RESOLUTION SUPPORTING THE FEDERAL LYME AND TICK-BORNE DISEASES PREVENTION, EDUCATION, AND RESEARCH ACTS OF 2005 {LC446/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Shanley seconded by Representatives McHugh, Gallison, Carter, Lewiss, Lally and San Bento by unanimous consent, on a voice vote.

House Resolution No. 6757**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC573/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson and by unanimous consent, on a voice vote.

House Resolution No. 6758**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC574/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson and by unanimous consent, on a rising vote.

By unanimous consent, Representative Moura requests to place (06H 6759) on the Calendar for Tuesday, January 17, 2006. There is no objection.

House Bill No. 6759

BY Moura, Faria

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --

EMPLOYMENT OF WOMEN AND CHILDREN {LC567/1}

01/10/2006 Placed on House Calendar

House Resolution No. 6760

BY Lewiss, Kennedy, McHugh, Shanley, Lally

ENTITLED, HOUSE RESOLUTION SUPPORTING UNITED STATES SENATE BILL 1479

AND HOUSE BILL 3427 CONCERNING LYME DISEASE {LC520/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representative Kennedy, Shanley, McHugh, Long, Lally, Carter, Gallison, and San Bento by unanimous consent, on a voice vote.

House Bill No. 6761

BY Costantino, Naughton

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES {LC553/1}

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Costantino seconded by Representatives Naughton, Shanley, Gemma, Williamson, Lewiss, and Williams on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Brien, Caprio, Carter, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moran, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Story, Trillo, Ucci, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

COMMUNICATION FROM THE SENATE

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

Senate Bill No. 2001**BY** Bates**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF GIVENS MARINE SURVIVAL SERVICE CO. INC. {LC207/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representatives Moura and Amaral on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Carter, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Story, Trillo, Ucci, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith.

ANNOUNCEMENTS

Representative Faria announces that the Committee on Labor will meet today, at the rise of the House, in Room 203 of the State House.

Representative San Bento and the Honorable Speaker Murphy wish Representative Melo a Happy Birthday.

Majority Leader Fox announces there will be a meeting for all members with Mr. Jason Gramitt, staff attorney and Education Coordinator of the Rhode Island Ethics Commission tomorrow, January 11, in the House Lounge at the rise of the House.

Majority Leader Fox also announces there will be no session on Thursday, January 12, 2006, and the desk will remain open today.

GUESTS

At 4:12 o'clock P.M. the Honorable Speaker yields the rostrum to Representatives Davey, Handy, Picard, Lima, Palumbo, McNamara, Jacquard, and Mumford. .

By unanimous consent, Representative Davey addresses the members of the House and welcomes to the House as National Champions, the 2005 Edgewood Eagles Senior Midgets. The 2005 Edgewood Eagles Champions are as follows: Matt Washington, Carl Mangum, Victor Kashouh, Maxwell Duncan, Jerry Darius, Shay DiPina, Carlos Aquino, Carlos Familiar, Alex Estrada, Kavin Gibbs, Omal Vega, Antonio Barbosa, Christian Colon, Phillip Gibbs, Kerry Robinson, Dennis Brown, Michael Gnoata, Felix Bruno, Edwing Barbosa, Emmanuel Lyles, Jordon DeCosta, J'Kiah Thomas. The coaches are Jesse Mederios, George Lindell, David Anderson, Bobby Santos, John Mederios, Scott Martin and Julio Pina.

By unanimous consent, Coach Bobby Santos addresses the members of the House.

At 4:20 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Pacheco welcomes to the House Chamber as guests the 2005 Burrillville High School "Broncos" Football Varsity Champions. Representative Pacheco welcomes Ryan D. St. Pierre – Captain, Lee M. Sulham – Captain, Kenneth M. Strobel-Captain, Benjamin Jenness – Captain; along with their Head Coach: Mr. Mike Hauser, and Assistant Coaches Mr. Gennaro Ferraro, Mr. Joe Hauser, Mr. Steve Pichie, Mr. Greg Sulham, Mr. Nunzio Vuono, Principal - Mr. Richard G. Trogisch, Athletic Director - Mr. Peter J. Berthelette and Ray Trinque, School Committee member.

ADJOURNMENT

At 4:32 o'clock P.M. on motion of Representative Carter, and as a further mark of respect to the memory of Jane Wilson seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE N. L. LANDROCHE, JR.

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 2001

BY Bates

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF GIVENS MARINE SURVIVAL SERVICE CO. INC. {LC207/1}

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 17, 2006:

1 2006-H 6759

BY Moura

**ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT OF WOMEN AND CHILDREN**

Ordered on the Calendar

2 2006-H 6718

BY Lima

ENTITLED, AN ACT RELATING TO LABOR -- MINIMUM WAGES

Committee on Labor recommends passage.

Francis P. McCabe
Clerk of the House

Tuesday, January 10, 2006